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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/761,977	BARILE, JOHN
	Examiner	Art Unit
	Le Nguyen	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,10-21,24-36 and 39-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,10-21,24-36 and 39-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to an amendment filed 8/9/04.

2. Claims 1-7, 10-21, 24-36 and 39-46 are pending in this application; claims 1, 15, 29-31, 45 and 46 are independent claims; and, claims 3, 14, 17, 28, 33 and 44 have been amended.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

4. In regards, to claims 3, 14, 17, 28, 33 and 44, applicant is notified for future reference that amended claim language must be submitted with any changes or additions underlined. Specifically, the added claim language after final that was not underlined were:

a) claims 3, 14, 17 and 28: wherein said comparator compares said received audio signals from said remote participants to determine the strongest received audio signal, and; and

b) claims 33 and 44: wherein said comparing said audio signals received from said participants comprises comparing said audio signals received from said participants to determine the strongest received audio signal, and.

Claim Rejections - 35 USC § 102

5. Claims 1, 2, 4, 6 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohda.

As per claim 1, Kohda teaches a communication terminal for video conferencing with remote participants, comprising a display, a receiver receiving audio and video signals from a plurality of the remote participants (Abstract; *i.e. "a video conference among a plurality of participants"*), a comparator comparing the received audio signals from the remote participants (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-43; col. 11, lines 9-31; *image determination means 21 comparing received audio signals from remote participants to determine "participants who last spoke [step S3]... a participant who newly speaks [step S4]... [and equally] actively speaking participants [step S5]" (col. 6, lines 44-46; col. 7, lines 3-43; col. 11, lines 9-31), i.e. "[active]/presently speaking participants [as well as] the number of participants speaking" are determined in steps S1 and S2 (fig. 5; col. 7, lines 3-43) after voice collecting means 30 and speaker recording means 32 collect and record audio signals (fig. 4; col. 6, lines 44-46)*) and a controller controlling the display to display a video image extracted from the video signals based on the comparison of the received audio signals (figs. 4-5; col. 11, lines 9-31; *a video image is extracted from the video signals based on the comparison of the received audio signals, e.g. the 2 participants who last spoke are displayed when no audio signals are detected (step S3), an appropriate one of two participants presently being displayed is replaced by a new participant when a participant newly speaks (step*

S4) and the display of the participants successively switches to those participants who are actively speaking when 3 or more participants are actively speaking (step S5)).

As per claim 2, Kohda teaches a communication terminal for video conferencing with remote participants wherein the comparator selects an active participant from the remote participants (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *wherein active participants are selected from the remote participants*).

As per claim 4, Kohda teaches a communication terminal for video conferencing with remote participants wherein the comparator compares the audio signals over a selected period of time (col. 17, lines 12-17).

As per claims 6 and 13, Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*).

Claim Rejections - 35 USC § 103

6. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda in view of Wellner et al. ("Wellner")

As per claims 3 and 14, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the comparator automatically

selects as the active participant the remote participant from which the strongest audio signal is received (col. 10, lines 1-7; col. 11, lines 9-31; *the result of testing whether the comparator selects as the active participant the remote speaking participant from which the strongest audio signal received is always made true*), Kohda does not explicitly disclose automatically selecting by comparing audio signals to determine the strongest received audio signal. Wellner teaches a communication terminal for video conferencing that comprises comparing audio signals to determine the strongest received audio signal (col. 9, lines 50-55). Therefore, it would have been obvious to an artisan at the time of the invention to include Wellner's teaching of automatically selecting by determining the strongest received audio signal in a communication terminal for video conferencing system to Kohda's teaching of automatically selecting the strongest received audio signal in a communication terminal for video conferencing in order to resolve situations where more than one person on a conference call are speaking.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Palmer et al. ("Palmer").

As per claim 5, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to distinguish all but one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*), Kohda does not explicitly disclose the

distinguishing feature to be one wherein the controller freezes all but one of the video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to freeze all but one of the video image of one remote participant based on user's selective comparison of the received audio signals from the remote participants (col. 9, lines 19-20). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method to selectively freeze all but one extracted video image of one remote participant based on a comparison of the received audio signals from remote participants in a video conferencing system to Kohda's method of selectively distinguish all but one extracted video image of one remote participant based on a comparison of the received audio signals from remote participants based on the comparison of the received audio signals from the remote participants by the comparator in a video conferencing system in order to provide a participant more control as to how the video images of other participants are viewed.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda in view of Palmer et al. ("Palmer").

As per claim 7, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three*

participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed), Kohda does not explicitly disclose the highlighting feature to be one wherein the controller displays the one video image in an area larger than the area in which each other video image is displayed. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image in an area larger than the area in which each other video image is displayed (fig. 18; col. 21, lines 5-6; *video image 524 of fig. 18 may be "sized"*). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method wherein the controller controls the display to highlight one extracted video image by displaying the one video image in an area larger than the area in which each other video image is displayed in a video conferencing system to Kohda's method wherein the controller controls the display to highlight one extracted video image in order to provide a participant more control as to how the video images of other participants are viewed.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda in view of Palmer et al. ("Palmer").

As per claim 12, Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be*

displayed), Kohda does not explicitly disclose the highlighting feature to be one wherein the controller displays video images other than the one video image using a color scheme different than the color scheme used to display the one video image. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying video images other than the one video image using a color scheme different than the color scheme used to display the one video image (figs. 2 and 26(b-g); *e.g. control of color hue, color saturation, brightness, contrast*). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method wherein the controller controls the display to highlight one extracted video image by displaying video images other than the one video image using a color scheme different than the color scheme used to display the one video image to Kohda's method wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator in order to provide a participant more control as to how the video images of other participants are viewed.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Tang et al. ("Tang", US 5,793,365).

As per claim 10, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5;

col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31), Kohda does not explicitly disclose the highlighting to be in the form of a distinctive border around the one video image. Tang teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight the one video image by displaying a distinctive border around the one video image (fig. 1A; col. 7, lines 36-38). Therefore, it would have been obvious to an artisan at the time of the invention to include Tang's distinctive border as a form of highlighting to Kohda's method of highlighting in order to provide a participant more control as to how the video images of other participants are viewed.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Tang et al. ("Tang", US 5,793,365).

As per claim 11, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31), Kohda does not explicitly disclose the highlighting to be in the form of displaying alphanumeric identification regarding the one remote participant. Tang teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying alphanumeric identification regarding the one remote participant (col. 9, lines 29-33; figs. 1B, 3, 5 and 8; *e.g. "Trevor Morris x63097...", "Trev", "Ellen, Rick", etc.*). Therefore, it would have been obvious to an

artisan at the time of the invention to include Tang's teaching of a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying alphanumeric identification regarding the one remote participant to Kohda's teaching of a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator in order to provide a participant more control as to how the video images of other participants are viewed.

12. Claims 15, 16, 18, 20, 27, 30, 31, 32, 34, 35, 43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda in view of Ludwig et al. ("Ludwig").

As per claim 15, Kohda teaches a communication terminal for video conferencing with remote participants, comprising a display, a receiver receiving audio and video signals from a plurality of the remote participants (Abstract), a comparator comparing the received audio signals from the remote participants and a controller controlling the display to display a video image extracted from the video signals based on the comparison of the received audio signals (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *a comparator detects audio signals and an image determination means controls the display and displays a video image extracted from the video signals based on the comparison of the received audio signals*). Kohda does not explicitly disclose the communication terminal to be a mobile terminal. Ludwig teaches a mobile terminal for video conferencing (col. 18, lines 17-20). Therefore, it would have been

obvious to an artisan at the time of the invention to include Ludwig's mobile terminal for video conferencing to Kohda's communication terminal for video conferencing in order to provide users with a portable system and a system with greater accessibility.

As per claim 16, the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the comparator selects an active participant from the remote participants (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *wherein active participants are selected from the remote participants*).

As per claim 18, the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the comparator compares the audio signals over a selected period of time (Kohda: col. 17, lines 12-17).

As per claim 20, the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*).

Claim 31 is similar in scope to claim 15 and is therefore rejected under similar rationale.

Claim 32 is similar in scope to claim 16 and is therefore rejected under similar rationale.

Claim 34 is similar in scope to claim 18 and is therefore rejected under similar rationale.

Claims 35 and 43 are individually similar in scope to claim 20 and are therefore rejected under similar rationale.

Claims 30 and 46 are individually similar in scope to claim 15 and are therefore rejected under similar rationale, with the exception of the one video image and another video image displayed on the right side and the left side respectively as well as outputting the audio signal associated with the one video signal and the other video signal to a right speaker and left speaker respectively, which Khoda also teaches (col. 11, line 34 through col. 10, line 7; *right versus left video and acoustic means*).

As per claim 27, Kohda teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*).

13. Claims 17, 28, 33 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda in view of Ludwig et al. ("Ludwig") as applied to claims 15 and 31, and further in view of Wellner et al. ("Wellner")

As per claim 17, although the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the

comparator selects as the active participant the remote participant from which the strongest audio signal is received (Kohda: col. 10, lines 1-7; col. 11, lines 9-31; *the comparator selects the active participant, the speaking participant, with the strongest audio signal*), the modified Kohda does not explicitly disclose automatically selecting by comparing then determining the strongest received audio signal. Wellner teaches a communication terminal for video conferencing that comprises comparing audio signals to determine the strongest received audio signal (col. 9, lines 50-55). Therefore, it would have been obvious to an artisan at the time of the invention to include Wellner's teaching of automatically selecting by determining the strongest received audio signal in a communication terminal for video conferencing system to the modified Kohda's teaching of automatically selecting the strongest received audio signal in a communication terminal for video conferencing in order to resolve situations where more than one person on a conference call are speaking.

As per claim 28, although Kohda teaches a communication terminal for video conferencing with remote participants wherein the comparator selects as the active participant the remote participant from which the strongest audio signal is received (col. 10, lines 1-7; col. 11, lines 9-31; *the comparator selects the active participant, the speaking participant, with the strongest audio signal*), Kohda does not explicitly disclose automatically selecting by comparing then determining the strongest received audio signal. Wellner teaches a communication terminal for video conferencing that comprises comparing audio signals to determine the strongest received audio signal (col. 9, lines 50-55). Therefore, it would have been obvious to an artisan at the time of the invention

to include Wellner's teaching of automatically selecting by determining the strongest received audio signal in a communication terminal for video conferencing system to the modified Kohda's teaching of automatically selecting the strongest received audio signal in a communication terminal for video conferencing in order to resolve situations where more than one person on a conference call are speaking.

Claims 33 and 44 are individually similar in scope to claim 17 and are therefore rejected under similar rationale.

14. Claims 19 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Ludwig et al. ("Ludwig", US 6,212,547 B1) as applied to claim 15 above, and further in view of Palmer et al. ("Palmer", US 5,594,859).

As per claim 19, although the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to distinguish all but one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*), the modified Kohda and Ludwig does not explicitly disclose the distinguishing feature to be one wherein the controller freezes all but one of the video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to

freeze all but one of the video image of one remote participant based on user's selective comparison of the received audio signals from the remote participants (col. 9, lines 19-20). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method to selectively freeze all but one extracted video image of one remote participant based on a comparison of the received audio signals from remote participants in a video conferencing system to the modified Kohda and Ludwig's method of selectively distinguish all but one extracted video image of one remote participant based on a comparison of the received audio signals from remote participants based on the comparison of the received audio signals from the remote participants by the comparator in a video conferencing system in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 41 is similar in scope to claim 19 and is therefore rejected under similar rationale.

15. Claims 21 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda (US 5,675,374) in view of Ludwig et al. ("Ludwig") as applied to claim 15 above, and further in view of Palmer et al. ("Palmer").

As per claim 21, although the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two*

actively speaking will be displayed while the third will not be displayed), the modified Kohda and Ludwig does not explicitly disclose the highlighting feature to be one wherein the controller displays the one video image in an area larger than the area in which each other video image is displayed. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image in an area larger than the area in which each other video image is displayed (fig. 18; col. 21, lines 5-6; *video image 524 of fig. 18 may be "sized"*). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method wherein the controller controls the display to highlight one extracted video image by displaying the one video image in an area larger than the area in which each other video image is displayed in a video conferencing system to the modified Kohda and Ludwig's method wherein the controller controls the display to highlight one extracted video image in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 37 is similar in scope to claim 22 and is therefore rejected under similar rationale.

16. Claims 24 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda in view of Ludwig et al. ("Ludwig") as applied to claim 15 above, and further in view of Tang et al. ("Tang").

As per claim 24, although the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote

participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31), the modified Kohda and Ludwig does not explicitly disclose the highlighting to be in the form of a distinctive border around the one video image. Tang teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight the one video image by displaying a distinctive border around the one video image (fig. 1A; col. 7, lines 36-38). Therefore, it would have been obvious to an artisan at the time of the invention to include Tang's distinctive border as a form of highlighting to the modified Kohda and Ludwig's method of highlighting in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 39 is similar in scope to claim 24 and is therefore rejected under similar rationale.

17. Claims 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda in view of Ludwig et al. ("Ludwig") as applied to claim 15 above, and further in view of Tang et al. ("Tang").

As per claim 25, although the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31), the modified Kohda and Ludwig does not explicitly disclose the

highlighting to be in the form of displaying alphanumeric identification regarding the one remote participant. Tang teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying alphanumeric identification regarding the one remote participant (col. 9, lines 29-33; figs. 1B, 3, 5 and 8; *e.g. "Trevor Morris x63097...", "Trev", "Ellen, Rick", etc.*). Therefore, it would have been obvious to an artisan at the time of the invention to include Tang's teaching of a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying alphanumeric identification regarding the one remote participant to the modified Kohda and Ludwig's teaching of a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 40 is similar in scope to claim 25 and is therefore rejected under similar rationale.

18. Claims 26 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda in view of Ludwig et al. ("Ludwig") as applied to claim 15 above, and further in view of Palmer et al. ("Palmer").

As per claim 26, the modified Kohda and Ludwig teaches a communication terminal for video conferencing with remote participants wherein the controller controls

the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator (Kohda: figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *e.g. if two out of three participants are actively speaking, the two actively speaking will be displayed while the third will not be displayed*), the modified Kohda and Ludwig does not explicitly disclose the highlighting feature to be one wherein the controller displays video images other than the one video image using a color scheme different than the color scheme used to display the one video image. Palmer teaches a communication terminal for video conferencing with remote participants wherein the controller controls the display to highlight one extracted video image by displaying video images other than the one video image using a color scheme different than the color scheme used to display the one video image (figs. 2 and 26(b-g); *e.g. control of color hue, color saturation, brightness, contrast*). Therefore, it would have been obvious to an artisan at the time of the invention to include Palmer's method wherein the controller controls the display to highlight one extracted video image by displaying video images other than the one video image using a color scheme different than the color scheme used to display the one video image to the modified Kohda and Ludwig's method wherein the controller controls the display to highlight one extracted video image of one remote participant based on the comparison of the received audio signals from the remote participants by the comparator in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 42 is similar in scope to claim 26 and is therefore rejected under similar rationale.

19. Claims 29 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohda in view of Ludwig et al. ("Ludwig"), and further in view of Palmer et al. ("Palmer").

As per claim 29, Kohda teaches a communication terminal for video conferencing with remote participants, comprising a display, a receiver receiving audio and video signals from a plurality of the remote participants (Abstract), a comparator comparing the received audio signals from the remote participants and a controller controlling the display to display a video image extracted from the video signals based on the comparison of the received audio signals (figs. 4-5; col. 6, lines 44-46; col. 7, lines 3-38; col. 11, lines 9-31; *a comparator detects audio signals and an image determination means controls the display and displays a video image extracted from the video signals based on the comparison of the received audio signals*). Kohda does not explicitly disclose the communication terminal to be a mobile terminal. Ludwig teaches a mobile terminal for video conferencing (col. 18, lines 17-20). Therefore, it would have been obvious to an artisan at the time of the invention to include Ludwig's mobile terminal for video conferencing to Kohda's communication terminal for video conferencing in order to provide users with a portable system and a system with greater accessibility. However, the modified Kohda and Ludwig does not explicitly disclose a display having a height greater than its width, the display operating in a portrait mode in a default condition and a controller controlling the display to display video images extracted from

the video signals in a landscape mode when the wireless receiver receives the video signals from a plurality of the remote participants. Palmer teaches a display having a height greater than its width, the display operating in a portrait mode in a default condition and a controller controlling the display to display video images extracted from the video signals in a landscape mode when the wireless receiver receives the video signals from a plurality of the remote participants (fig. 18; col. 21, lines 5-6; *video image 524 of fig. 18 may be "sized" wherein sizing includes an instance when a display has a height greater than its width and a width greater than the height*). Therefore it would have been obvious to an artisan at the time of the invention to include Palmer's method of sizing a display in a video conferencing system to the modified Khoda and Ludwigs method of a video conferencing system in order to provide a participant more control as to how the video images of other participants are viewed.

Claim 45 is similar in scope to claim 29 and is therefore rejected under similar rationale.

Response to Arguments

20. Applicant's arguments with respect to claims 1, 3, 5, 7, 15, 21 and 29 have been considered but are moot in view of the new ground(s) of rejection, except for the following arguments that are considered not persuasive:

Applicant argued the following:

(a) Applicant requests that the examiner identify the exact structure corresponding to each claimed element of claim 1.

(b) Applicant believes that originally filed claim 3 read:

> 3. The communication terminal of claim 2, wherein said comparator selects as said active participant said remote participant from which the strongest audio signal is received.

If the examiner disagrees, the undersigned requests that the examiner provides a copy of the originally filed claim 3.

(c) Applicant interprets the examiner's "comparator compares/examines received audio signals... and selectively mutes audio or freezes video of certain participants (col. 9, lines 19-20)" to mean that the *recipient* "compares/examines received audio signals" and would like confirmation whether applicant's interpretation is correct.

(d) If the motivation is not specifically founded in Ludwig and/or Kohda, the examiner is requested to specifically state this and to cite to the exact location of where support for this motivation can be found outside of Ludwig and/or Kohda.

(e) Applicant disagrees with the examiner's interpretation that sizing a display to achieve a "portrait mode", i.e. a display having a height greater than its width, and "landscape mode", i.e. a display having a width greater than the height, would change the orientation of images.

The examiner's explanations are as follows:

Per (a), in accordance with MPEP 706 [R-2] and rejecting claims, the examiner cited the best reference and only when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on were designated. Moreover, the pertinence of each reference, if not apparent, was explained

and each rejected claim specified in the last office action. Per applicant's request and continual expressed opinion on the complexity of the reference, additional commentaries are included above and the part designated and relied on are cited, quoted and/or explained as nearly as practicable.

Per (b) and in retrospect of applicant's after final arguments, the issue was not whether claim 3 cites:

> 3. The communication terminal of claim 2, wherein said comparator selects as said active participant said remote participant from which the strongest audio signal is received.

The issue was whether amended claim 3,

> 3. The communication terminal of claim 2, wherein said comparator compares said received audio signals from said remote participants *to determine the strongest received audio signal, and* selects as said active participant said remote participant...

would require a new search.

Per (c), applicant's interpretation is incorrect. The image determination means/comparator compares/examines received audio signals (col. 9, lines 19-20).

Per (d) and by definition, portable systems or mobile terminals are characterized by size and weight as defined by MS Computer Dictionary (page 373). Moreover as is well known in the art and further explained by MS Computer Dictionary, a "portable computer" is any computer designed to be moved easily (page 373) and "portable" means "light enough, rugged enough, and free enough of encumbering external connections to be carried by a user" (page 373). "[D]esigned to be moved easily" and

"free enough of encumbering external connections to be carried by a user" supports the rationale for combining Ludwig's mobile terminal for video conferencing to Kohda's communication terminal for video conferencing in order to provide users with a portable system and a system with greater accessibility.

Per (e), although the definition of portrait mode is "a vertical print orientation in which *a document* is printed across the narrower dimension of a rectangular sheet of paper" and the definition of landscape mode is "a horizontal print orientation in which *text or images* are printed 'sideways' –that is, the width of the image on the page is greater than the height", the examiner has treated the claim in light of applicant's own definition of "portrait mode" being "a display having a height greater than its width" and has interpreted "landscape mode" as being a display having a width greater than the height, which is taught by Palmer and explained under 35 U.S.C. 103(a) (fig. 18; col. 21, lines 5-6; *video image 524 of fig. 18 may be "sized" wherein sizing includes an instance when a display has a height greater than its width and a width greater than the height*).

Inquires

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(703) 305-7601** or **(571) 272-4068** after 10/20/2004. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
September 26, 2004

Kristine Kincaid
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